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**(63 & 64 VICT. c. 12): RE-CONSTITUTION**

**DETERMINING THE LEGITIMATE LEGISLATURES  
OF THE COMMONWEALTH**

*[Notes and Observations on Lawful Constitutional Reformation]*

**REFORMATION PROJECT:  
(2019)**

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Taking the text of THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900 as it was *Assented to*, our endeavour will be to supplement our understanding of relevant parts of this Act with sections of and notes to other Victorian and Imperial Acts in order to make a presentation of the Constitution of the Parliaments of the Commonwealth as it should and must be interpreted and applied. Mere convention is not Law. Along the way, we will also re-establish several other facts which are necessary to a proper understanding of our subject.

THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900 is described by various official sources as the “supreme law of the Commonwealth”. These are the same sources who would have the people believe that “convention”, even when unlawful and against the Crown and Laws and Constitution, is “valid” or has some authority to over-ride what is, in their own terms, the “Supreme Law” simply by being illegitimately perpetuated by interested and/or foreign operatives. Mere customary or “*convenience convention*” is not to be equated with statutory convention or international convention or treaty.

The Constitutional Structure of the Parliaments of the Commonwealth and its States could appear to be less than precise (containing apparent vagueries and ambiguities and matters which are just not clear, and which are thus open to false and interested *interpretation*) if the Act of 1900 (63 & 64 Vic. c. 12) is read in isolation and without reference (mainly) to the earlier Victorian Acts which inform it. This lack of clarity is exacerbated by the conventions which have been allowed to corrupt and degrade the Constitutionally legitimate or *as established* Parliaments since Federation. Convention is not LAW and unlawful convention is not lawful.

Turning to professional and “official” opinion is not advised as the main source of falsehood is to be found in and consists of and derives from interested and mercenary traditions and practices (adopted conventions). But matters can be clarified and set to rights if we re-examine the statutes and texts of the Constitution in relation to one another and the Victorian Acts with the intention of identifying the *necessarily correct* implications and co-implications of the Statutory texts. No legitimate State is constituted so as to allow for its disintegration into that which is antithetical to its constitution.

The ACT OF 1900 is not a licence for criminal anarchy, and the Constitution of the Parliaments of the Commonwealth is not some “rough guide” for arbitrary convenience management of the Commonwealth. Statutory Constitutional Law is Law which is *correctly interpretable* on the basis of the terminology of the Acts which lead up to, inform it and even found it.

Without resolving *all* of the issues of twelve decades of interested deviation from Constitutionally Lawful form of the Parliaments of the Commonwealth and its States into the *ad hoc* “convenience mutation” form of the “government” (in spite of the spurious equivocation that the Parliaments are “the government”) of the Commonwealth as we find it today, we can re-establish the Constitutional form of the Parliaments with a view to determining what is lawful and what is not lawful.

Set out below is the Lawful and Constitutional (63 & 64 Vic. c.12) form of the Parliaments of the Commonwealth. It will suffice to pre-identify the lawful Parliamentary hierarchy of the State of the Commonwealth and its States in order of descending powers – the Monarch, (Their optional Representative-Executive, a *Governor-General*), Their Representative-Executive *Governor In Council* to administer the government, a *Governor* to execute the Laws of the Commonwealth), [the Public Services Departments,] a Senate, a House of Representatives.

(63 & 64 VICT. c. 12)

# COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

An Act to Constitute the Commonwealth of Australia

*La Reyne le veult*

9 July 1900

*Chapter 12*

(31 Vic. No. 6.)  
THE ACTS SHORTENING ACT OF 1867

5. *References to former enactments.*

**13 and 14 Vic. c. 21, s. 3.** – When any Imperial Act or any Act of the Legislature or of any former Legislature or any section therein shall be referred to in any Act it shall be sufficient to cite the same by the year of the reign in which such Act was made and the chapter or number of such Act and the number of such section without reciting the title of such Act or the provisions of such section so referred to and the references in all cases shall be made according to the copies of such Acts printed by the Government Printer.

Provided that where it is only intended to amend or repeal a portion only of a section it shall still be necessary either to recite such portion or to set forth the matter or thing intended to be amended or repealed.

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The correct form of the designation of the Acts of the Parliaments is to be: the year of the Reign of the Reigning Monarch, the Monarch, and the Chapter or Act number. Thus, the numbers 63 and 64 designate the sixty-third and sixty-fourth years of the Reign of Her Majesty Queen Victoria. As “Chapter 12” appears on our first page, the correct form of the reference of the **THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900** is (63 & 64 VICT. c. 12).

“Well, it’s only a convention, what does it matter?”

It is a *statutory convention*, a *LAW*, this is why it matters. It is important to keep this in mind because the first Parliament of the Commonwealth chose to *convenientise* their own powers so that *their* conventions of convenience quite early appear to replace the Constitutional Law; once established, convention is intended to seem lawful – “well, this is how *we* do things”, even when it is patently unlawful and becomes a rule of interested loop-hole exploitation which is placed over and above the Constitutional Law *as it is Established by and in the LAW*.

In the Acts of the first Parliament, statutory convention is dropped in favour of a simplified or stupidised form of shorthand: for example, the second Act is called by them “**ACTS INTERPRETATION, No. 2 of 1901**”, in which designation there is no reference to the Reigning Monarch, the Monarch’s year of Reign, or that it is even an “Act” of any Parliament – “No. 2 of 1901” is meaningless drivel. Perhaps by accident, the short title of that Act rescues the matter from complete semantic and/or historical oblivion: ‘This Act may be cited as the “Acts Interpretation Act 1901.”’ From Federation onward, it is questionable whether these oafs know their republicanism from their Constitution.

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(63 & 64 Vic. c. 12)  
THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900

1. *Short title*

This Act may be cited as the “Commonwealth of Australia Constitution Act.”

AN ACT TO CONSTITUTE THE COMMONWEALTH OF AUSTRALIA

This is the *intitulement* of the Act and it is not exactly explanatory of the nature of the Constitution Act itself – this may be because “Australians” are *said to have* “drafted” it. (63 & 64 Vic. c. 12) *constitutes* the Parliaments of the Commonwealth and its States and their relations (among other things), but does not constitute the Commonwealth in the sense of enacting a Rule of (Civil and Criminal) Law by which the Persons of the Commonwealth are to know what they are to do and what they are not to do, or what they can and cannot do. How the idiocy of the Act of 1900 being “supreme law” of the Commonwealth can even be entertained, let alone promulgated, is beyond our powers of explication.

LA REYNE LE VEULT

This term, which means “By the Will of the Queen”, is unusual in the Victorian Acts and it can be taken to mean that (63 & 64 Vic. c. 12) is an Act of the Will of VICTORIÆ REGINÆ, an Act of Her Majesty (Queen and Empress) and an Act of Her Parliaments. While this is true to an extent, this does not make of (63 & 64 Vic. c. 12) “old English law” (as has been claimed by some members/senators and others who have falsely occupied positions of inordinate profit in the Parliaments of the Commonwealth of the Crown): (63 & 64 Vic. c. 12) is purportedly drafted and ratified by (anachronistically nominal) “Australians”.

(63 & 64 Vic. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
AN ACT TO CONSTITUTE THE COMMONWEALTH OF AUSTRALIA

[Assented to and Enacted and Established and Commenced *on, as of* and *from* 9 July 1900]

[*Preamble*]

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

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From this preamble (which is said by some to *not* be in the Act) we can establish that the Commonwealth of Australia is *One Indissoluble Federation of States* under the same Crown, the same Laws and the same Constitution.

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(63 & 64 Vic. c. 12)  
THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900

*5. Operation of the Constitution and Laws*

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

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This section is significant in a number of ways. Firstly, it indicates that the Laws of the Constitution Act of 1900 are *distinct from* the Laws of the Commonwealth. This much is self-evident to any reasonably literate person. But what Laws are being referred to ? (63 & 64 Vic. c. 12) enacts no laws other than its own constitutional laws, and it can hardly be claimed that statutory constitutional laws pertaining to the Parliaments, the Judiciary, the High Court, the relations between the Parliament of the Commonwealth and its States, &c. are relevant to the conduct of persons on British ships.

The meaning of *Section 5* is *that* the laws made by the *legitimate and as constituted* Parliament of the Commonwealth *shall be considered to be lawful*. *Section 5* is the enactment of confirmational validation of *competent authority* which is dependant upon Constitutional conformity and adherence to the Laws. *Section 5* is effectively a reiteration of –

(28 & 29 VIC. c. 63)  
THE COLONIAL LAWS VALIDITY ACT OF 1865

*[Preamble]*

WHEREAS Doubts have been entertained respecting the Validity of divers Laws enacted or purporting to have been enacted by the Legislatures of certain of Her Majesty's Colonies, and respecting the Powers of such Legislatures, and it is expedient that such Doubts should be removed...

*Section 5 could be interestedly interpreted* as meaning that *only* the laws made by the Parliament of the Commonwealth subject to the Constitution of the Commonwealth and the statutes enacted in Constitution Act of 1900 *shall be binding*, but this would not be correct and would be *another* falsification. There was evidently no rush on the part of the first Parliament of the Commonwealth to establish Civil and Criminal Law in the Commonwealth; **THE CRIMES ACT OF 1914**, as part of a series of enactments made between 1914 and 1932, only develops the law in regard to certain matters which had (supposedly) not already been dealt with, or such laws as were considered necessary in times of war. Are we *supposed to believe* that anarchy was kept in check by the Constitution Act of 1900 ? Are we supposed to be idiots as well ?

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(63 & 64 Vic. c. 12)  
THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900

*6. Definitions*

“**The Commonwealth**” shall mean the Commonwealth of Australia as established under this Act.

“**The States**” shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called “**a State**.”

“**Original States**” shall mean such States as are parts of the Commonwealth at its establishment.

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(63 & 64 Vic. c. 12)  
THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT OF 1900

THE CONSTITUTION

*9. The Constitution of the Commonwealth shall be as follows:—*

This Constitution is divided as follows:—

Chapter I.— The Parliament:

Part I.— General:

Part II.— The Senate:

Part III.— The House of Representatives:

Part IV.— Both Houses of the Parliament:

Part V.— Powers of the Parliament:

Chapter II.— The Executive Government:

Chapter III.— The Judicature:

Chapter IV.— Finance and Trade:

Chapter V.— The States:

Chapter VI.— New States:

Chapter VII.— Miscellaneous:

Chapter VIII.— Alteration of the Constitution.

The Schedule.

*[The Oath/Affirmation of Affirmation of Allegiance]*

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The first thing to be noticed here is what the Constitution constitutes: the Parliaments of the Commonwealth and their powers and their relations. There is to be an homogeneity of Constitutional Parliamentary form throughout the Commonwealth. As the Commonwealth of Australia is One Indissoluble Federation of States under the same Crown, the same Laws and the same Constitution, the absurdity of the legislature of the colony-State of Queensland being conveniently in 1867 and in 1900 cannot be explained away by referring to conventional validity or convenient illiteracy. (See our indictment “1867 v. 1900”.)

As we establish elsewhere, the Constitution Act of 1900 (63 & 64 Vic. c. 12) is not the “supreme law of the Commonwealth”. Such a position is convenient to the fabrication that the *common law* is the rule of law in the Commonwealth, which is also convenient to the implication that Constitutional matters are to be settled by the High Court on the basis of common or precedence law and that there is no law governing the activities of the members and senators of the Parliaments except that which they (the “professional parliamentary caste”) make for themselves to serve their own vested and/or foreign interests.

Re-constituting, or *re-founding*, section 9 of (63 & 64 Vic. c. 12) with the relevant chapter and section headings of the legitimate Sovereign Rule of Law of the Commonwealth we produce quite a different perspective.

(63 Vic. No. 9.)  
**THE CRIMINAL CODE ACT OF 1899**

**An Act to Establish a Code of Criminal Law**

[Assented to, Established, Enacted, Declared 28 November, 1899; Commenced 1 January 1901]

*2. Establishment of Code [Schedule I.] –*

On and from the first day of January, one thousand nine hundred and one [1 January 1901], the provisions contained in the Code of Criminal Law set forth in the First Schedule to this Act, and hereinafter called “**the Code**,” shall be the law of Queensland [*read* “Australian territories by the authority of the Legislature of Queensland”], or soon-to-be Commonwealth of Australia] with respect to the several matters therein dealt with.

Although the entirety of **The Criminal Code of 1899** pertains to and governs the activities of all persons *of* and *in* the Commonwealth, the main Chapters, Section Headings, Sections relating specifically to the members and senators of the Parliaments of the Commonwealth from 1 January 1901 are –

**(63 Vic. No. 9.)**  
**THE CRIMINAL CODE, 1899**

[As amended to 1984]

**PART II-OFFENCES AGAINST PUBLIC ORDER**

**CHAPTER VI-TREASON AND OTHER OFFENCES AGAINST THE  
SOVEREIGN'S PERSON AND AUTHORITY**

- 37. Treason.
- 38. Concealment of treason.
- 39. Treasonable crimes.
- 40. Time for proceeding in cases of treason or concealment of treason: Two witnesses necessary.
- 41. Inciting to mutiny.
- 42. Assisting escape of prisoners of war.
- 43. Overt act.

**CHAPTER VII-SEDITION**

- 44. Definition of seditious intention.
- 45. Innocent intentions.
- 46. Definition of seditious enterprises, &c.
- 47. Unlawful oaths to commit [certain] crimes.
- 48. Other unlawful oaths to commit offences.
- 49. Compulsion, how far a defence.
- 50. Effect of prosecution.
- 51. Unlawful drilling.
- 52. Sedition.
- 53. Defamation of foreign princes.

**CHAPTER VIII-OFFENCES AGAINST THE EXECUTIVE AND LEGISLATIVE POWER**

- 54. Interference with Governor or Ministers.
- [54A. Demands with menaces upon agencies of government.]  
Heading inserted by Act of 1984, No. 32, s. 3.; s. 54A inserted by Act of 1984, No. 32, s. 3.
- 55. Interference with the Legislature.
- 56. Disturbing the Legislature.
- [56A. Disturbance in House when Parliament not sitting.]  
[Inserted by Act of 1939, 3 Geo. 6 No. 28, s. 2.]
- [56B. Going armed to Parliament House.]  
[Inserted by Act of 1939, 3 Geo. 6 No. 28, s. 2.]
- 57. False evidence before Parliament.
- 58. Witnesses refusing to attend or give evidence before parliamentary committee.
- 59. Member of Parliament receiving bribes.
- 60. Bribery of Member of Parliament.

**(63 Vic. No. 9.)**  
**THE CRIMINAL CODE, 1899**

**PART III-OFFENCES AGAINST  
THE ADMINISTRATION OF LAW AND JUSTICE AND AGAINST PUBLIC AUTHORITY**

**CHAPTER XII-DISCLOSING OFFICIAL SECRETS**

- 84. Disclosure of secrets relating to defences by public officers.
- 85. Obtaining disclosure of secrets relating to defences.
- 86. Disclosure of other official secrets.

**CHAPTER XIII-CORRUPTION AND ABUSE OF OFFICE**

- 87. Official corruption.
- 88. Extortion by public officers.
- 89. Public officers interested in contracts.
- 90. Officers charged with administration of property of a special character or with special duties.
- 91. False claims by officials.
- 92. Abuse of office.
- 93. Corruption of surveyor and valuator.
- 94. False certificates by public officers.
- 95. Administering extra-judicial oaths.
- 96. False assumption of authority.
- 97. Personating public officers.

**CHAPTER XIV-CORRUPT AND IMPROPER PRACTICES AT ELECTIONS**

- 98. Definitions.
- 99. Personation.
- 100. Double voting.
- 101. Treating.
- 102. Undue influence.
- 103. Bribery.
- 104. Further penalty for corrupt practices.
- 105. Illegal practices.
- 106. Other illegal practices.
- 107. Corrupt and illegal practices: Time.
- 108. Interference at elections.
- 109. Electors attempting to violate secrecy of ballot.
- 110. Other attempts of like kind.
- 111. Stuffing ballot-boxes.
- 112. Offences by presiding officers at elections.
- 113. False answers to questions at elections.
- 114. Interfering with secrecy at elections.
- 115. Breaking seal of packets used at elections.
- 116. Offences at elections when voting is by post.
- 117. False claims.

**PART III-OFFENCES AGAINST  
THE ADMINISTRATION OF LAW AND JUSTICE AND AGAINST PUBLIC AUTHORITY**

**CHAPTER XV-SELLING AND TRAFFICKING IN OFFICES.**

- 118. Bargaining for offices in Public Service.

(63 & 64 Vic. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

CHAPTER I  
THE PARLIAMENT  
PART I—GENERAL

*1. Legislative Power*

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called "The Parliament," or "The Parliament of the Commonwealth."

*2. Governor-General*

A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as her Majesty may be pleased to assign to him.

*3. Salary of Governor*

There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds. The salary of a Governor-General shall not be altered during his continuance in office.

*4. General Provisions relating to Governor-General*

The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

*5. Sessions of Parliament  
Prorogation and dissolution*

The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

*6. Summoning Parliament*

After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

*7. First session*

The Parliament shall be summoned to meet not later than six months after the establishment of the Commonwealth.

*6. Yearly session of Parliament*

There shall be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

CHAPTER I  
THE PARLIAMENT  
PART I-GENERAL

*Legislative Power*

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of *the Queen, a Senate, and a House of Representatives*, and which is herein-after called "*The Parliament*," or "*The Parliament of the Commonwealth*."

*Governor-General*

A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but *subject to this Constitution*, such powers and functions of the Queen as her Majesty may be pleased to assign to him.

*Provisions relating to Governor-General*

The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

CHAPTER II-THE EXECUTIVE GOVERNMENT

*61. Executive power*

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth [63 Vic.No.9].

*70. Certain powers of Governors to vest in Governor-General*

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

As we have established, the Monarch's and the Monarchy's Place and Powers in the Constitutional Monarchy of the Commonwealth are *inassailable* and *cannot lawfully be altered or diminished or terminated*. And from the Constitution (63 & 64 VICT. c. 12) we can see that the Commonwealth is the Monarch's lawful assurance is the Head of State of the Constitutional Monarchy of the Commonwealth – the States and Territories of the Commonwealth are all Constitutional Monarchies under the same Monarch and the same Monarchic Line of Succession. Just as the Monarch or Crown is the same for all of the Commonwealth of Australasia, the Sovereign Rule of Law or Crown of the Commonwealth *is the same* : THE CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) AND COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12).

That the Monarch may be absent from the Parliaments is immaterial due to the fact that the Commonwealth is Sovereign by the Enactment of THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9) which is also *the Crown of the Commonwealth*, as is the Legitimate Government of the Commonwealth and its territories-States.

The Monarch and Their Executive Representatives, the Governor-General and the Governors of the States of the Commonwealth *and* the Crown Rule of Law Established in CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) AND COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12), to which the Monarch and the Governor-General are also subject, are at the Apex of the Hierarchy of the Commonwealth.

What do we make of this Governor-General figure ? There are some likely misunderstandings concerned here as the COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12) doesn't appear to supply all of the details. *Should the Crown consider a Governor-General necessary –*

**he is to be the Executive of the Will of the Crown; and**

**he is to be the Crown('s) Representative in the Commonwealth**

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

*68. Command of naval and military forces*

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor General as the Queen's representative.

Should a Governor-General be appointed, he is to be in charge of the defense forces of the Commonwealth – to this extent, he would be required to be a man of some martial ability or accomplishment or prowess. The States do not have Constitutional authority to raise their own defence forces, so, to that end, the States *do not have* Governors-General.

(28 & 29 VIC. c. 63)  
THE COLONIAL LAWS VALIDITY ACT OF 1865

1. Definitions

The Term “**Governor**” shall mean the Officer lawfully administering the Government of any Colony:

The Governor is to *Maintain the Constitution* (63 & 64 VICT. c. 12) and Execute the Laws (63 Vic.No.9) of the Commonwealth.

He is to Administer the Government of the Commonwealth, as *the Crown’s appointees* in the States (the Governors) are to Administer the Governments of the States of the Commonwealth.

In the Parliament, the Governor in Council *is to appoint* and *may heed* the Advices of the Heads of the Various Government Departments of the Public Service who he *may* make Ministers of State.

In his executive function, he *may* appoint Deputies, *should the Crown require it*.

These responsibilities, onerous as they are, would seem to require *more than one person to fulfil them*, and we think that a *Governor-General* (due to his Defence and Chief Executive Officer roles) is *not* competent to be the *Governor In Council* and/or the *Governor* of the State of the Commonwealth. There are clearly three roles involved here. This *vagueness* is probably a result of “Australians”(sic.) having been involved in the drafting of the Constitution.

Should the Crown chose to remove or replace the Governor-General (with another in his stead, or with some appointed person of a different title to represent or execute similar or other or specific tasks), or should the Monarch *not choose to appoint* a Governor-General, the necessary Offices of *Governor In Council and Governor of the State of the Commonwealth* would still need to be filled. Such appointments would also be the prerogative of the Monarch. The Constitutional responsibilities of the position of Governor-General such as the (*representative*) command of the naval and armed forces may be appropriate to a vital General, but a General or commander of the naval and armed forces would not necessarily be a good or fit *Governor In Council* or *Governor* of the State of the Commonwealth. And the reverse would also apply: a person who is well versed in the law or in matters of the Bar would not be the best appointment for matters pertaining to the defence of (the States of) the Commonwealth, or the property of the Crown, from invasion and local, urban or “domestic” violence.



As the Civil Service is comprised of non-military servants of the Crown whose official duties and responsibilities pertain to the Laws and Constitution of the State which are not Criminal Laws, but Civil Laws...

Supposing that the Monarch did not exercise Their Constitutional Authority to appoint a Governor-General: what of the Offices of Governor of the state of the Commonwealth and Governor In Council of the Parliament of the Commonwealth ?

Constitutionally, the Governor-General, *if appointed by* the Monarch, seems to have all of those responsibilities that technically would be better officiated by distinct persons:

a *Governor-General* as representative of the Crown and executive of Their will;

a *Governor-General* as representative commander of the Defense Forces;

a *Governor In Council* as the representative executive of the Crown, advised by the advisory heads of the various government departments of the Public Service;

a *Governor* as the Administrator of the Government of the Commonwealth and as the maintainer of the Constitution and the Executor of the Laws of the Crown, as the Civil Law is neither military nor criminal jurisdiction, the Governor as administrator of government and maintainer of the Constitution, convenor of Parliament and Administer of Oaths would belong to the Civil Service.

The Governor In Council would also be Civil Service as his advices are from the Public Service the Governor as executor of the laws of the Crown would have to be Department of Justice, but not part of the Judiciary.

The three terms of Governor-General, Governor In Council and Governor (which recur throughout the Victorian and Imperial Acts) imply, in the light of the stipulations of THE OFFICIALS IN PARLIAMENT ACT OF 1896 (60 Vic.No.3) that, as it is *not competent* for a single person to concurrently/simultaneously hold more than one position of profit under the Crown, it may not merely be the matter of *pay* as the capacity and questionable interests of the person. For example, the Governor-General *may* (should it be to the pleasure of the Crown, and according to Their directions) appoint Deputies for the execution of the will of the Crown, but this appointment of Deputies is *not* to relieve the Governor-General of any of their lawful and Constitutional duties and responsibilities.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
CHAPTER VII-MISCELLANEOUS

*126. Power to Her Majesty to authorise Governor-General to appoint deputies*

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

*Dependant upon* the Authorisation and Directives of the Reigning Monarch (under and in strict accordance with the Civil, Criminal and Constitutional Laws), the Governor-General as the Executive of the Crown has the Constitutional Authority to Appoint Deputies to act as the Executives of the Monarch and according to *Their* instructions and intentions. This does *not* mean that, without the Monarch's express authorisation, a Governor-General *may* make any such appointments.

A Representative Executive of the Monarch in the Dominion of the Commonwealth of Australia *may* be appointed *by the Monarch*. This person may or may not be a Governor-General: this position and this term is *not necessitated* by the Constitution Act of 1900—it is a matter for the Prerogative of the Monarch. A Governor-General, is not Commander of the Armed Forces of the Commonwealth, but has Constitutional authority as the representative of the Monarch to be in command of the Armed Forces, this means that the Monarch is the Commander of the Armed Forces and that a Governor-General, if appointed, can be replaced by another (for what ever reason of Theirs) representative Commander to serve in that capacity *at the pleasure of the Monarch*.

(31 Vic. No. 6.)  
THE ACTS SHORTENING ACT OF 1867

*Powers when discretionary.*

**20. When a power is discretionary and when not.** – Where in any enactment passed after the twenty-seventh day of November one thousand eight hundred and fifty-eight [27 November 1858] a power is conferred on any officer or person by the word “**may**” or by words “**it shall be lawful**” or the words “**shall or may be lawful**” applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion but where the word “**shall**” is applied to the exercise of any such power the construction shall be that the power conferred must be exercised.

The discretion of the Governor in Council to approve insurance companies under s. 7 of The Workers’ Compensation Act of 1916 (title LABOUR) is absolute there being nothing to exclude the ordinary meaning of the word “may” there used (*Australian Alliance Assurance Co. Ltd. v. A.-G. for Queensland*, [1917] A.C. 537).

Notwithstanding the use of “**may**” and this section, the particular Act conferring the power may, from its general scope, show that the duty must be exercised, and that there is not an arbitrary discretion (*Smith v. Watson* (1906), 4 C.L.R. 802). Thus where exercise of the power becomes necessary for purposes of the public good or private justice, it is compulsory. See *In Re Municipal District of Lambton* (No. 2), (1899), 20 N.S.W.L.R. (L.) 378.

A similar section was applied to the words “**it shall be lawful**” in *Nixon v. Trustees of the Savings Bank of New South Wales* (1863), 2 N.S.W.S.C.R. (L.) 288.

In the case of a statute providing that the “Governor with the advice of the Executive Council shall grant a lease,” it was held that the fact that the Governor was to act with advice implied a discretion, and notwithstanding this section the statute merely authorised the granting of a lease (*Macdonald v. Tully* (1869), 2 S.C.R. 99).

With regard to the distinction between directory and essential provisions, see *R. v. Cooper* (1890), 4 Q.L.J. 5, *Chanter v. Blackwood* (1904), 1 C.L.R. 39.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
CHAPTER II  
THE EXECUTIVE GOVERNMENT

*61. Executive power*

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to **the execution and maintenance of this Constitution, and of the laws of the Commonwealth.**

CHAPTER VII-MISCELLANEOUS

*126. Power to Her Majesty to authorise Governor-General to appoint deputies*

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

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Given the above (61) and (126) which enact that the Governor(-General/-In-Council) cannot omit to perform a duty of his Office of profit under the Crown, and cannot relegate or delegate his statutory Constitutional duties, it would appear that no Governor(-General/-In-Council) in the past one hundred and nineteen years has ever fulfilled his statutory Constitutional duties in the Commonwealth as the Laws are now in such a disreputable shambles of disarray and laxity that those in the Public Service and the Parliaments can pretend with evident impunity that they would have one think that they don't even know the Laws to begin with. Anarchy or just plain criminality would be a more appropriate term for such chronic dilapidation.

(63 Vic. No.9)  
THE CRIMINAL CODE, 1899

PART II-OFFENCES AGAINST PUBLIC ORDER

CHAPTER VI-TREASON AND OTHER OFFENCES AGAINST  
THE SOVEREIGN'S PERSON AND AUTHORITY

37. *Treason*

*Any person who—*

(1) *Kills the Sovereign, or does Her any bodily harm tending to Her death, or maim or wounding, or imprisonment or restraint; or*

(2) *Kills the eldest son and heir-apparent for the time being of the Sovereign, or the Queen Consort of the reigning King; or*

(3) *Forms an intention to do any such act as aforesaid, and manifests such intention by any overt act; or*

(4) *Conspires with any other person to kill the Sovereign or to do Her any bodily harm tending to Her death, or maim or wounding, or imprisonment or restraint; or*

(5) *Levies war against the Sovereign—*

(a) *With intent to depose the Sovereign from the style, honour, and royal name, of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of Her Majesty's dominions; or*

(b) *In order by force or constraint to compel the Sovereign to change Her measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe, any House of Parliament of any of Her Majesty's dominions; or*

(6) *Conspires with any other person to levy war against the Sovereign with any such intent or purpose at last aforesaid; or*

(7) *Instigates any foreigner to make an armed invasion of any part of Her Majesty's dominions; or*

(8) *Assists by any means whatever any public enemy at war with the Sovereign; or*

(9) *Violates, whether with her consent or not, a Queen Consort, or the wife of the eldest son and heir-apparent for the time being of the Sovereign;*

***is guilty of a crime, which is called treason, and is liable to imprisonment with hard labour for life, which cannot be mitigated or varied under section nineteen of this Code.***

38. *Concealment of Treason*

*Any person who—*

(1) *Becomes an accessory after the fact to treason; or*

(2) *Knowing that any person intends to commit treason, does not give information thereof with all reasonable despatch to a justice or use other reasonable endeavours to prevent the commission of the crime;*

***is guilty of a crime, and is liable to imprisonment with hard labour for life.***

(63 Vic. No.9)  
THE CRIMINAL CODE, 1899

PART II-OFFENCES AGAINST PUBLIC ORDER

CHAPTER VI-TREASON AND OTHER OFFENCES AGAINST  
THE SOVEREIGN'S PERSON AND AUTHORITY

**39. Treasonable Crimes**

*Any person who forms an intention to effect any of the following purposes, that is to say—*

*(a) To depose the Sovereign from the style, honour, and royal name, of the Imperial Crown of the United Kingdom of Great Britain and Ireland, or of any other of Her Majesty's dominions; or*

*(b) To levy war against the Sovereign within any part of Her dominions in order by force or constraint to compel the Sovereign to change Her measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe, any House of Parliament of any of Her Majesty's dominions; or*

*(c) To instigate any foreigner to make an armed invasion of any of Her Majesty's dominions; and manifests such intention by any overt act, is guilty of a crime, and is liable to imprisonment with hard labour for life.*

*A person charged with any of the crimes defined in this section is not entitled to be acquitted on the ground that any act proved to have been committed by him constitutes the crime of treason; but a person who has been tried, and convicted or acquitted, on a charge of any such crime cannot be afterwards prosecuted for treason in respect of the same facts.*

**40. Time for Proceeding in cases of Treason or Concealment of Treason:  
Two Witnesses Necessary**

*A person cannot be tried for treason or for any of the crimes defined in the two last preceding sections unless the indictment is presented within two years after the crime is committed:*

*Nor can a person charged with treason or with any of such crimes be convicted, except on his own plea of guilty, or on the evidence in open Court of two witnesses at the least to one overt act of the kind of treason alleged, or the evidence of one witness to one overt act, and one other witness to another overt act of the same kind of treason.*

*This section does not apply to cases in which the overt act of treason alleged is the killing of the Sovereign, or a direct attempt to endanger the life or injure the person of the Sovereign.*

**41. Inciting to Mutiny**

*Any person who advisedly attempts to effect any of the following purposes, that is to say –*

*(a) To seduce any person serving in Her Majesty's Forces by sea or land from his duty and allegiance to Her Majesty; or*

*(b) To incite any such person to commit an act of mutiny or any traitorous or mutinous act; or*

*(c) To incite any such persons to make or endeavour to make a mutinous assembly;*

*is guilty of a crime, and is liable to imprisonment with hard labour for life, with or without solitary confinement.*

*A person who has been tried, and convicted or acquitted, on a charge of any of the crimes defined in this section cannot be afterwards prosecuted for any other crime defined in this Chapter in respect of the same facts.*

(63 Vic. No.9)  
THE CRIMINAL CODE, 1899

PART II-OFFENCES AGAINST PUBLIC ORDER

CHAPTER VI-TREASON AND OTHER OFFENCES AGAINST  
THE SOVEREIGN'S PERSON AND AUTHORITY

*42. Assisting Escape of Prisoners of War*

*Any person who -*

(1) Knowingly and advisedly aids an alien enemy of Her Majesty, being a prisoner of war in Queensland (*read* Commonwealth of Australia), whether such prisoner is confined in a prison or elsewhere or is suffered to be at large on his parole, to escape from his prison or place of confinement, or, if he is at large on his parole, to escape from Queensland; or

(2) Being a person who owes allegiance to Her Majesty after any such prisoner has escaped by sea from any part of Her Majesty's dominions, knowingly and advisedly upon the high seas within the territorial waters of Queensland aids him in his escape to or towards any other dominion or place;

*is guilty of a crime, and is liable to imprisonment with hard labour for life.*

*43. Overt Act*

In the case of any of the offences defined in this Chapter, when the manifestation by an overt act of an intention to effect any purpose is an element of the offence, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, is deemed to be an overt act manifesting the intention.

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As the (above) Constitutional treason statutes specify, any attempt by anyone to conspire or attempt to wage war against, harm or depose or reduce the powers of or alter the counsels and/or measures of the Legitimate Sovereign and by unlawful means to wage war against, harm or depose or reduce the powers or alter the counsels and measures of the Crown, Constitutional Laws of the Legitimate Sovereignty or Legitimate Constitutional Rule of Law and Legitimately Constituted (*as Established*) form of Government of the Commonwealth *is guilty of treason*.

(63 Vic. No.9)  
CRIMINAL CODE 1899

CHAPTER IV-PUNISHMENTS

21. *Prerogative*

*Nothing in this Code affects Her Majesty's Royal Prerogative of Mercy.*

The Monarch, Crown, Sovereign and Sovereignty of the Commonwealth, whilst being different aspects of the same Authority are entirely the same Authority and are demanding of the same lawfully binding and obligatory deference and respect – *as the Statutes of the Criminal, Civil and Constitutional Law command*. Offences against *the Majesty* (whether by which is meant the Monarch, Crown, Sovereign, Sovereignty, or Sovereign Rule of Law and *legitimate* Constitutional Law and Constituted form of Parliament) are Treasonous Offences which are equally heinous and carry the same punishment – *Unmitigable Life Imprisonment*.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
CHAPTER II  
THE EXECUTIVE GOVERNMENT

61. *Executive power*

The executive power of the Commonwealth is vested in the Queen and is exerciseable by the Governor-General as the Queen's representative, and extends to **the execution and maintenance of this Constitution, and of the laws of the Commonwealth.**



(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
CHAPTER II  
THE EXECUTIVE GOVERNMENT

*61. Executive power*

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to **the execution and maintenance of this Constitution, and of the laws of the Commonwealth.**

Several CRIMINAL CODE 1899 Statutes conjoin *injure* and *injury* with *defraud* and *fraud*

:

CRIMINAL CODE 1899 (63 Vic. No.9)

CHAPTER V-CRIMINAL RESPONSIBILITY

*35. Liability of Husband and Wife for Offences committed by either with respect to the other's Property*

"...in the case of an act or omission of which an intention to injure or defraud some other person..."

DIVISION II-INJURIES TO PROPERTY  
CHAPTER XLV-DEFINITIONS

*459. Acts done with Intent to Defraud*

When an act which causes injury to property, and which would be otherwise lawful, is done with intent to defraud any person, it is unlawful.

When an act which causes injury to property is done with intent to defraud any person, it is immaterial that the property in question is the property of the offender himself.

CHAPTER LXIII-EVIDENCE: PRESUMPTIONS OF FACT

*643. Intention to Defraud*

On the trial of a person charged with any offence of which an intent to injure or deceive or defraud, or an intent to enable another person to deceive or defraud, is an element, it is not necessary to prove an intent to injure or deceive or defraud any particular person, or an intent to enable any particular person to deceive or defraud any particular person.

To this extent, it is permissible to extend the application of Statute 37. *Treason 5 (b)* "In order by force or constraint to compel the Sovereign to change Her measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe, any House of Parliament of any of Her Majesty's dominions" to include "fraud", to the expanded and corrected reading:

"In order by force or constraint [or deception] to compel the Sovereign to change Her measures or counsels, or in order to put any force or constraint [or deceptive influence] upon, or in order to intimidate or overawe, [or defraud] any House of Parliament of any of Her Majesty's dominions".

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
(Enacted 9 July, 1900 – *La Reyne le veult*)

CHAPTER I  
THE PARLIAMENT  
PART I. – GENERAL

*Legislative Power*

*The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called “The Parliament,” or “The Parliament of the Commonwealth.”*

*Governor-General*

*A Governor-General appointed by the Queen shall be Her Majesty’s representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen’s pleasure, but **subject to this Constitution**, [63 & 64 VICT. c. 12] such powers and functions of the Queen as her Majesty may be pleased to assign to him.*

*Provisions relating to Governor-General*

*The provisions of this Constitution [63 & 64 VICT. c. 12] relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.*

CHAPTER II  
THE EXECUTIVE GOVERNMENT

*61. Executive power*

*The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative, and extends to the execution and maintenance of this Constitution [63 & 64 VICT. c. 12], and of the laws of the Commonwealth [63 Vic. No.9].*

*62. Federal Executive Council*

*There shall be a Federal Executive Council to advise the Governor-General in the govern[-]ment\* of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.*

\* Reading “There shall be a Federal Executive Council to advise in the government of the Commonwealth” as “**govern-ment, governance, Administration**” not as “in the government of ...”, not taking the word as indicating the organ so much as the administrative operation of govern-ance.

*63. Provisions referring to Governor-General*

*The provisions of this Constitution [63 & 64 VICT. c. 12] referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.*

*64. Ministers of State*

*The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.*

*Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen’s Ministers of State for the Commonwealth.*

(63 & 64 Vic. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
CHAPTER II-THE EXECUTIVE GOVERNMENT

*[64. A] Ministers to sit in Parliament*

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

*70. Certain powers of Governors to vest in Governor-General*

In respect of matters which, **under this Constitution** [63 & 64 VICT. c. 12], pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth [63 & 64 VICT. c. 12], as the case requires.

CHAPTER VII-MISCELLANEOUS

*126. Power to Her Majesty to authorise Governor-General to appoint deputies*

*The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen [also subject to 63 & 64 VICT. c. 12]; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.*

Resolvable ambiguities in the text aside, this (above) is the Power Structure or Distribution of Powers of the Persons of the Parliament of the Commonwealth. ***All members of the Parliament are Under and Subject to the Constitution of the Commonwealth*** (63 & 64 Vic. c. 12); all Persons of the Parliament of the Commonwealth have specific and Statutory roles: this is the Constituted form of the Government of the Commonwealth – see also, “*The Officials in Parliament Act of 1896*”.

The Governor-General, ***IF APPOINTED BY THE REIGNING MONARCH*** of the Commonwealth serves at the pleasure of the Monarch and Their Heirs and Successors and in the Executive Capacities that the Reigning Monarch ***may*** assign to them. The Governor-General’s role, which is subject to the Constitution (63 & 64 Vic. c. 12) is not one of statutory permanence, matters of conventional fixity aside and despite their consistent presence and authority since Federation. “The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General ***for the time being, or such person as the Queen may appoint*** to administer the Government of the Commonwealth”. The Governor-General is not a Constitutional ***necessity*** and the Monarch possesses the Constitutional Authority to discontinue the services ***and*** Office of that role.

As the nominal representative-executive of the Monarch, whose Constitutional Obligations and Duties are the “Administration of the Government of the Commonwealth” and which extend to the “execution and maintenance of this Constitution [63 & 64 VICT. c. 12], and of the laws of the Commonwealth [63 Vic. No.9]”, the Governor-General is also the Executive Administrator of the Sovereign Rule of Law: it is the obligation of the Governor-General to maintain the necessary Constitutional conformity of the Legislative Powers of the Parliament to making “laws for the peace, order, and good government of the Commonwealth”.

The Governor-General is not to be subservient to the *advisory* Federal Executive Council which he appoints, or to the Monarch’s Ministers of State or to the First or Second Officers of the Crown Law, but the Governor-General *is to be a Loyal subject of the Crown and is subject to the Laws and Constitution of the Commonwealth*.

(63 Vic. No.9)

#### THE CRIMINAL CODE ACT, 1899

#### CHAPTER V-CRIMINAL RESPONSIBILITY

##### *34. Offences by Partners and Members of Companies with respect to Partnership or Corporate Property*

A person who, being a member of a co-partnership, corporation, or joint stock company, does or omits to do any act with respect to the property of the co-partnership, corporation, or company, which, if he were not a member of the co-partnership, corporation, or company, would constitute an offence, is criminally responsible to the same extent as if he were not such member.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

CHAPTER I  
THE PARLIAMENT  
PART I-GENERAL

*Legislative Power*

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of *the Queen, a Senate, and a House of Representatives*, and which is herein-after called "*The Parliament*," or "*The Parliament of the Commonwealth*."

*Governor-General*

A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but *subject to this Constitution*, such powers and functions of the Queen as her Majesty may be pleased to assign to him.

*Provisions relating to Governor-General*

The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

CHAPTER II-THE EXECUTIVE GOVERNMENT

*61. Executive power*

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth [63 Vic.No.9].

*70. Certain powers of Governors to vest in Governor-General*

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

As we have established, the Monarch's and the Monarchy's Place and Powers in the Commonwealth are *inassailable* and *cannot lawfully be altered or diminished or terminated*. And from the Constitution (63 & 64 VICT. c. 12) we can see that the Monarch is Chief Executive Power of the Commonwealth – the States and Territories of the Commonwealth are all Constitutional Monarchies under the same Monarch and the same Monarchic Line of Succession. Just as the Monarch or Crown is the same for all of the Commonwealth, the Sovereign Rule of Law or Crown of the Commonwealth *is the same* : THE CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) and COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12).

That the Monarch may be absent from the Parliaments is immaterial due to the fact that the Commonwealth is Sovereign by the Enactment of THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9) which is also *the Crown of the Commonwealth*, as is the Legitimate Government of the Commonwealth and its territories-States.

The Monarch and Their Executive Representatives, the Governor-General and the Governors of the States of the Commonwealth *and* the Crown Rule of Law Established in CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) AND COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12), to which the Monarch and the Governor-General are also subject, are at the Apex of the Hierarchy of the Commonwealth.

What do we make of this Governor-General figure ? There are some likely mis-understandings concerned here as the COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12) doesn't appear to supply all of the details. *Should the Crown consider a Governor-General necessary –*

**he is to be the Executive of the Will of the Crown; and**

**he is to be the Crown('s) Representative in the Commonwealth**

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

*68. Command of naval and military forces*

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor General as the Queen's representative.

Should a Governor-General be appointed, he is to be in charge of the defense forces of the Commonwealth – to this extent, he would be required to be a man of some martial ability or accomplishment or prowess. The States do not have Constitutional authority to raise their own defence forces, so, to that end, the States *do not have* Governors-General.

(28 & 29 VIC. c. 63)  
THE COLONIAL LAWS VALIDITY ACT OF 1865

1. Definitions

The Term “**Governor**” shall mean the Officer lawfully administering the Government of any Colony:

The Governor is to Maintain the Constitution (63 & 64 VICT. c. 12) and to Execute the Laws of the Commonwealth (63 Vic. No. 9).

He is to Administer the Government of the Commonwealth, as *the Crown’s appointees* in the States (the Governors) are to Administer the Governments of the States of the Commonwealth.

In the Parliament, the Governor in Council *is to appoint* and *may heed* the Advices of the Heads of the Various Government Departments of the Public Service who he *may* make Ministers of State.

In his executive function, he *may* appoint Deputies, *should the Crown require it*.

These responsibilities, onerous as they are, would seem to require *more than one person to fulfil them*, and we think that a *Governor-General* (due to his Defence *and* Chief Executive Officer roles) is *not* competent to be the *Governor In Council* and/or the *Governor* of the State of the Commonwealth. There are clearly three roles involved here. This *vagueness* is probably a result of “Australians”(sic.) having been involved in the drafting of the Constitution.

Should the Crown chose to remove or replace the Governor-General (with another in his stead, or with some appointed person of a different title to represent or execute similar or other or specific tasks), or should the Monarch *not choose to appoint* a Governor-General, the necessary Offices of *Governor In Council and Governor of the State of the Commonwealth would still need to be filled*. Such appointments would also be the prerogative of the Monarch. The Constitutional responsibilities of the position of Governor-General such as the (*representative*) command of the naval and armed forces may be appropriate to a vital General, but a General or commander of the naval and armed forces would not necessarily be a good or fit *Governor In Council* or *Governor* of the State of the Commonwealth. And the reverse would also apply: a person who is well versed in the law or in matters of the Bar would not be the best appointment for matters pertaining to the defence of (the States of) the Commonwealth, or the property of the Crown, from invasion and local, urban or “domestic” violence.

The three terms of Governor-General, Governor In Council and Governor (which recur throughout the Victorian and Imperial Acts) imply, in the light of the stipulations of THE OFFICIALS IN PARLIAMENT ACT OF 1896 (60 Vic.No.3) that, as it is *not competent* for a single person to concurrently/simultaneously hold more than one position of profit under the Crown, it may not merely be the matter of the pay as the capacity and questionable interests of the person. For example, the Governor-General *may* (should it be to the pleasure of the Crown, and according to Their directions) appoint Deputies for the execution of the will of the Crown, but this appointment of Deputies is *not* to relieve the Governor-General of any of their lawful and Constitutional duties and responsibilities.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT  
CHAPTER VII-MISCELLANEOUS

*126. Power to Her Majesty to authorise Governor-General to appoint deputies*

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

*Dependant upon* the Authorisation and Directives of the Reigning Monarch (under and in strict accordance with the Civil, Criminal and Constitutional Laws), the Governor-General as the Executive of the Crown has the Constitutional Authority to Appoint Deputies to act as the Executives of the Monarch and according to *Their* instructions and intentions. This does *not* mean that, without the Monarch's express authorisation, a Governor-General *may* make any such appointments.

A Representative Executive of the Monarch in the Dominion of the Commonwealth of Australia *may* be appointed *by the Monarch*. This person may or may not be a Governor-General: this position and this term is *not necessitated* by the Constitution Act of 1900—it is a matter for the Prerogative of the Monarch. A Governor-General, is not Commander of the Armed Forces of the Commonwealth, but has Constitutional authority as the representative of the Monarch to be in command of the Armed Forces, this means that the Monarch is the Commander of the Armed Forces and that a Governor-General, if appointed, can be replaced by another (for what ever reason of Theirs) representative Commander to serve in that capacity *at the pleasure of the Monarch*.



(31 Vic. No. 6.)  
THE ACTS SHORTENING ACT OF 1867

*Powers when discretionary.*

**20. When a power is discretionary and when not.** – Where in any enactment passed after the twenty-seventh day of November one thousand eight hundred and fifty-eight [27 November 1858] a power is conferred on any officer or person by the word “**may**” or by words “**it shall be lawful**” or the words “**shall or may be lawful**” applied to the exercise of that power such word or words shall be taken to import that the power may be exercised or not at discretion but where the word “**shall**” is applied to the exercise of any such power the construction shall be that the power conferred must be exercised.

The discretion of the Governor in Council to approve insurance companies under s. 7 of The Workers’ Compensation Act of 1916 (title LABOUR) is absolute there being nothing to exclude the ordinary meaning of the word “may” there used (*Australian Alliance Assurance Co. Ltd. v. A.-G. for Queensland*, [1917] A.C. 537).

Notwithstanding the use of “**may**” and this section, the particular Act conferring the power may, from its general scope, show that the duty must be exercised, and that there is not an arbitrary discretion (*Smith v. Watson* (1906), 4 C.L.R. 802). Thus where exercise of the power becomes necessary for purposes of the public good or private justice, it is compulsory. See *In Re Municipal District of Lambton* (No. 2), (1899), 20 N.S.W.L.R. (L.) 378.

A similar section was applied to the words “**it shall be lawful**” in *Nixon v. Trustees of the Savings Bank of New South Wales* (1863), 2 N.S.W.S.C.R. (L.) 288.

In the case of a statute providing that the “Governor with the advice of the Executive Council shall grant a lease,” it was held that the fact that the Governor was to act with advice implied a discretion, and notwithstanding this section the statute merely authorised the granting of a lease (*Macdonald v. Tully* (1869), 2 S.C.R. 99).

With regard to the distinction between directory and essential provisions, see *R. v. Cooper* (1890), 4 Q.L.J. 5, *Chanter v. Blackwood* (1904), 1 C.L.R. 39.

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

CHAPTER II  
THE EXECUTIVE GOVERNMENT

*61. Executive power*

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution [63 & 64 VICT. c. 12], and of the laws of the Commonwealth [63 Vic. No. 9].

*62. Federal Executive Council*

There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

*63. Provisions referring to Governor-General*

The provisions of this Constitution [63 & 64 VICT. c. 12] referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.

*64 [A]. Ministers of State*

The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

*[64 B.] Ministers to sit in Parliament*

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

Regarding Statute-Act "*64 [A]. Ministers of State*": it must not be neglected to be remembered that this Constitution was Enacted 9 July 1900 and that a Governor-General (of 1984, for example) is not entitled to dismantle or allow the dismantling or unlawful abolition of any of the various Departments of State (for instance) of the Commonwealth on his coming into his *Pleasure-of-the-Monarch dependant* term of Office. The power to detrimentally affect the temporal constitutionality of the State is *not lawful* and is a statutory *criminal offence* and the Governors-General as are those in the Civil and Public Services, as also are those who are subservient to the Crown and are elected to sit in the Parliaments *strictly subject-to the Crown* (the Monarch and the Sovereign Rule of Law and the Constitution of the Commonwealth).

As (what we have designated as) "*[64 B.]*" (above) has a certain ambiguity between its title ("*Ministers to sit in Parliament*") and what the title announces (that "*no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives*"), and as this ambiguity is conveniently exploited by unlawful *conventional* and *un-Constitutional* and *un-lawful* practice in the Parliaments of the Commonwealth and in the interested opining of certain (*nominal*) Attorneys- and Solicitors-General & c., it is now our task to expose and make clear the truth of the matter.

Commenting (apparently at random) in an *official Op-Ed pamphlet* (attributively authored and "Produced by the Parliamentary Education Office and Australian Government Solicitor, Canberra, 2010") which purports to explain the Constitution, the author *wrongfully, spuriously and unlawfully converts* - "**64. Ministers to sit in Parliament ... no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives**" to: "Ministers of the Parliament - including the "Prime Minister" - *must be members of the Parliament*"(sic.) !-

"The distinction between the Parliament and the Executive Government is further blurred by the fact that the Prime Minister and the other Government Ministers (who form part of the Executive) must be members of Parliament. This reflects the principle of responsible government (discussed below) under which Government Ministers must be members of, and accountable to, the Parliament. " (AUSTRALIA'S CONSTITUTION, Overview, 2010, p. V [current])

*The text of the Constitution obviously does not say that at all.*

*The sentence " ... no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives" clearly does not necessitate that a Minister must become a member or senator of the Parliament; the provision merely specifies that a Minister of State cannot sit in the Parliaments for more than three months unless they become a member or a senator of the Parliaments !* This is not an optionality or a convenience or a matter of revolutionary party-political whim: the Constitution (63 & 64 VICT. c. 12) and Laws of the Commonwealth are inviolable, as are the laws on which they are founded, as is the Crown ...

If one has any more-than-basic literacy abilities or any intellectual or professional integrity, it is a simple matter to determine (from "**64. Ministers to sit in Parliament ... no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives**" that, the Government Offices of "**Minister of State**" or "**Member of the Federal Executive Council**" or "**Head of a Government Department of the Public Service**" has nothing to do with being a member or a senator of the *Legislative Assembly* or the *Legislature* of the Parliaments of the Commonwealth.

It is also simple to determine that an "elected" member or senator of the Legislature(s) of the Commonwealth will not be a "**Minister of State**" or a "**Member of the Federal Executive Council**" or a "**Head of a Government Department of the Public Service**" : some one being directly elected by the Persons of the Commonwealth *is not elected as* a "**Minister of State**" or a "**Member of the Federal Executive Council**" or a "**Head of a Government Department of the Public Service**".

Or differently put—some from among the various *extant* Heads of the Government Departments of the Public Service may be summoned and appointed to Ministerial Office to serve the Crown at the Governor In Council's pleasure in an advisory capacity as members of the Federal Executive Council. How the *subversion* comes about that "*elected*" members and/or senators, on the recommendation of *one of them* to the Governor In Council, are appointed to the Offices of Heads of the Government Departments of the Public Service whilst maintaining their seats in the Parliaments is simply flabbergasting. The Parliaments of the Commonwealth have been un-Constitutional and thus illegitimate since this practice has been allowed to metastasise, and what on Earth the Governors and Governors-General have been playing at is very definitely *not* "lawfully administering the Government" *or being concerned with* the "execution and maintenance of this Constitution, and of the laws of the Commonwealth".

For a (legitimate) person of the Commonwealth to be (legitimately) *elected to* the House of Representatives or Senate is one thing—this is what they are supposedly *elected for* or *elected to do*; but, for a person to be elected to sit in the Parliaments of the Commonwealth as a member or senator (which role involves *only* that), and then to be selected and summoned to be a Minister of State or Head of some Department of the Public Service, the Treasury, some Head of a department of Justice, or the Head of the Civil Service (on the recommendation or insistence of some party-political or religio-ideological machine whose interests *are not* those of the Crown, Laws, or Constitution of the Commonwealth) is a dangerous absurdity for all concerned: this is exactly how Constitutions are destroyed. This is to give criminal revolutionaries the ability to depose the Constitutional Monarchy, to abolish legitimate Civil, Constitutional and Criminal Laws, to ransack and loot nations, in effect to destroy Civilised humanity ... And yet, this is precisely what has been happening in and to the Commonwealth since *specifically* 2012, even though it has been building up steam since specifically 1984.

The situation is now such that completely unknown celebrities, party-political bums, non-entities, criminals (including bankers, catholics, jews and other dual-nationals, corporation-agents, republicans, PLA members, criminal revolutionaries ... NONE of which are Subjects of the Crown) are illegitimately "elected" to sit in the Parliaments and participate in destroying the Laws, Constitution and Commonwealth. These are then ensconced (effectively) for life or for agenda-contracts as Treasurers, Attorneys-General, Ministers, "Prime-Ministers" or Back Benchers ... at the expense of the Crown and Commonwealth. And this is supposed to be perfectly acceptable, or it is *normalised* and the laws are even degraded so that (purportedly) one can be *jailed for life* for reporting their criminal activity, or for "embarrassing the government" before their destructions are complete (or such are the threats made to keep people quiet).

As the Crown's Minister of State is to be appointed from among the Heads of Departments of the Public Service (which *excludes* the appointment of party-political operatives to such offices), a given Minister will only be *capable of advising* to the extent of his legitimate departmental expertise. And, as no officer of the Crown may hold two concurrent official positions, such Minister may not also hold the Office of more than one Head of Government Department of the Public Service as part of a "*portfolio*"(sic.) *concurrently*. (Neither party-political agents nor multiple Ministerial portfolios are mentioned in the Victorian, Colonial, Imperial or early Commonwealth Acts: in point of fact, there appears to be no enacted legislation on the matter which makes the entire practice a criminal sleight of hand).

(63 & 64 VICT.)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

PART IV BOTH HOUSES OF THE PARLIAMENT

*44. Disqualification*

Any person who: ...

(iv) holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: ...

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But subsection (iv) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, ...

*45. Vacancy on happening of disqualification*

If a senator or member of the House of Representatives: ...

(i) becomes subject to any of the disabilities mentioned in the last preceding section; ...

his place shall thereupon become vacant.

This instrument for clarifying the situation of Ministers sitting in the Parliaments of the Commonwealth *may appear to be* insufficiently determinate and thus susceptible to stupid or interested interpretation without some *dis-opinionated* explanation.

Firstly, what is an “**office of profit under the Crown**”? Well, we could ask some drunk down at the pub for his *learned opinion*, or we could consult the appropriate Principle (Constitutional) Act to determine that which it is requisite to know if we are seeking to appropriately comprehend the Constitutional Law. A note to “5. (1) *Government officers not to sit in Legislative Assembly except as mentioned*”, of the following, as it happens, gives the statutory definition that we require –

(60 Vic. No.3)  
OFFICIALS IN PARLIAMENT ACT OF 1896  
[Assented to 27 July 1896]

*An Act to Amend the Law relating to Persons holding Office under the Crown who may Sit and Vote in the Legislative Assembly, and to fix the Salaries payable to Ministers of the Crown.*

“A member who holds an office in respect of which fees are payable but who does not accept such fees, holds an office of profit (*Bowman v. Hood* (1899), 9 Q.L.J. 272; 9 Q.L.J. (N.C.) 118). An office in respect of which the holder is entitled to no payment other than travelling expenses is not an office of profit (*Bowman v. Hood, supra*).”

Thus, we have arrived at the *fact* that, it is not lawful for a Minister of the Crown to *also* hold the position or Office of being a member of the House of Representatives or a senator of the Senate of the Parliaments of the Commonwealth. And the reverse case of a member of the House of Representatives or a senator of the Senate of the Parliaments of the Commonwealth cannot lawfully hold any Offices of the Crown’s Ministers of State. Well, that is to say “... *no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives*”[s. 64 A], ante; *unless and only if*–

(60 Vic. No.3)  
**OFFICIALS IN PARLIAMENT ACT of 1896**  
[Assented to 27 July 1896]

**3. (1) Governor may declare what Ministers may sit in Legislative Assembly.**

The Governor may from time to time by Proclamation declare any Officers of the Crown, not exceeding eleven in all, and being Officers liable to retire from office on political grounds, to be capable of being elected members of the Legislative Assembly and of sitting and voting therein at the same time.

**3. (3) When Member of Legislative Assembly may act as officer.**

The Governor may, by Proclamation, authorise and empower any Member of the Executive Council who is not another such Officer but who is for the time being a Member of the Legislative Assembly to perform and exercise during the absence –

(i) From the State of any such Officer who is so absent in the course of the duties of his office; or

(ii) From his office of any such Officer who is so absent on leave granted under subsection two of this section, all or any of the duties, powers, and authorities imposed or conferred upon the Officer so absent or any other Officer mentioned in subsection one of this section by any Act, rule, practice, or ordinance, and the Member so authorised and empowered may perform any such duties, powers, and authorities accordingly.

3.(4) A member of the Executive Council who, being a member of the Legislative Assembly, is authorised and empowered under subsection three of this section to act in the office of any Officer mentioned in subsection one of this section shall, in respect of any continuous period of thirty days or more during which he so acts, be paid additional salary at the rate for the time being applicable to that office under section six of this Act in addition to the salary payable to him as a member of the Legislative Assembly.

3.(5) The provisions of section five of this Act shall not apply to any Member of the Executive Council who, being for the time being a Member of the Legislative Assembly, holds, or held on or after the first day of January, one thousand nine hundred and thirty-nine, an office or place of profit under the Crown when acting or purporting to act in lieu of any Officer mentioned in subsection one of this section during the absence from the State in the course of the duties of his office or during the absence or purported absence on sick leave of any such Officer, and such Member is, and always has been, on and after the first day of January, one thousand nine hundred and thirty-nine, capable of being elected, and of sitting and voting, as a Member of the Legislative Assembly, and of receiving for any continuous period of thirty days or more during which he so acts additional salary at the rate for the time being applicable to that office in addition to the salary payable to him as a member of the Legislative Assembly.



Thus, we arrive at the correct reading and understanding of the *facts* that –

(1) *NO* Minister of State or member of the Federal or State Executive Council may simultaneously and lawfully also hold:

- (a) the Office of member or senator of the Legislative Assembly; or
- (b) any other *office of profit* under the Crown

for longer than the prescribed time and in the prescribed circumstances; and

(2) *NO* elected member or senator of the Parliaments of the Commonwealth may simultaneously and lawfully also hold:

- (a) the Office of a Minister of State;
- (b) the position of a member of the Federal or State Executive Council;
- (c) any other *office of profit* under the Crown

for any longer than the prescribed time and in the prescribed circumstances; and

(3) that no Governor-General or Governor *may* –

(a) select and/or appoint, or allow the selection and facilitate the appointment of, any Minister of State or member of the Federal Executive Council who is also and simultaneously a member of the House of Representatives or a senator of the Senate in the Parliaments (or Local Governments ?) of the Commonwealth for longer than the prescribed time and in the prescribed circumstances; and/or

(b) select and/or appoint, or allow the selection and facilitate the appointment of, any member of the House of Representatives or a senator of the Senate in the Parliaments (or Local Governments ?) of the Commonwealth to the Office of Minister of State or role of member of the Federal Executive Council for longer than the prescribed time and in the prescribed circumstances.

Not only do we now know that Ministers of State and members of the Federal Executive Council cannot lawfully be members or senators in the Parliament unless they resign their from their Offices, we now also know that Ministers of State and members of the Federal Executive Council cannot sit in the Parliaments for more than a temporary, specified period, and do not have Parliamentary voting rights.

In the following, we read –

**(60 Vic. No.3)**  
**OFFICIALS IN PARLIAMENT ACT of 1896**  
[Assented to 27 July 1896]

***3. (1) Governor may declare what Ministers may sit in Legislative Assembly.***

The Governor may from time to time by Proclamation declare any Officers of the Crown, not exceeding eleven in all, and being Officers liable to retire from office on political grounds, to be capable of being elected members of the Legislative Assembly and of sitting and voting therein at the same time.

3. (5) The provisions of section five of this Act shall not apply to any Member of the Executive Council who, being for the time being a Member of the Legislative Assembly, holds, or held on or after the first day of January, one thousand nine hundred and thirty-nine, an office or place of profit under the Crown when acting or purporting to act in lieu of any Officer mentioned in subsection one of this section during the absence from the State in the course of the duties of his office or during the absence or purported absence on sick leave of any such Officer, and such Member is, and always has been, on and after the first day of January, one thousand nine hundred and thirty-nine, capable of being elected, and of sitting and voting, as a Member of the Legislative Assembly, and of receiving for any continuous period of thirty days or more during which he so acts additional salary at the rate for the time being applicable to that office in addition to the salary payable to him as a member of the Legislative Assembly.

***5. (1) Government officers not to sit in Legislative Assembly except as mentioned.***

Any person holding any office or place of profit under the Crown, or having a pension from the Crown during pleasure or for a term of years, and not being one of the Officers named in a Proclamation made under this Act, and not being a Member of the Executive Council who is also a Member of the Legislative Assembly authorised and empowered by the Governor to act for the time being in lieu of any such Officer as aforesaid pursuant to subsection three of section three of this Act shall be incapable of being elected, or of sitting or voting, as a member of the Legislative Assembly; and the election of such person to be a member of the Legislative Assembly shall be null and void, and a writ shall forthwith issue for the election of a member in his stead.

***5. (2) Certain persons holding office or place of profit under the Crown may be elected to Parliament.***

Subsection one of this section shall not apply so as to prevent any person holding any office or place of profit under the Crown who is otherwise qualified from being nominated as a candidate and being elected as a member of the Legislative Assembly; but if such person is so elected he shall vacate and be deemed to vacate his office or place of profit under the Crown from the day appointed in the writ for taking the poll for his election.

***7. No person to draw salaries for two offices.***

If any person accepts any two or more of the offices aforesaid, it shall not be competent for him to receive the additional salary of more than one office.

As amended by Act of 1961, 10 Eliz. 2 No. 20, s. 7 (d).

(60 Vic. No.3)  
OFFICIALS IN PARLIAMENT ACT of 1896

*8. Duties imposed by law on any Minister may be ordered to be performed by other Minister.*

8. (1) The Governor may from time to time authorise and empower any of such Officers to perform and exercise all or any of the duties, powers, and authorities imposed or conferred upon any other of such Officers by any Act, rule, practice or Ordinance, and the Officer so authorised and empowered may perform and exercise any such duties, powers, and authorities, accordingly.

8. (2) The Premier and Chief Secretary of Queensland may, in writing, from time to time authorise and empower any of such Officers to perform and exercise temporarily for any period not longer than fourteen days all or any of the duties, powers and authorities imposed or conferred upon the Premier and Chief Secretary of Queensland, or any other of such Officers by any Act, rule, practice or ordinance, and the Officer so authorised and empowered may perform and exercise any such duties, powers and authorities accordingly.

Notification of any such authority and power may be published in the Gazette and judicial notice shall be taken of every such authority and power so notified.

8. (3) In this section –

(a) The expression “**Premier and Chief Secretary of Queensland**” includes any such Officer who is authorised and empowered by the Governor under subsection one of section eight of this Act to act for the time being in the office of Premier and Chief Secretary of Queensland; and

(b) The term “**Officer**” includes any member of the Executive Council who, being a member of the Legislative Assembly, is authorised and empowered by the Governor, by Proclamation, under subsection three of section three of this Act to act for the time being in the office of any such Officer.

As amended by Act of 1959, 8 Eliz. 2 No. 67, s. 3.  
See also Department of Justice Act of 1957, p. 763, *ante*.

Thus, a Minister of State or a member of the Federal Executive Council, *if legitimately appointed by a legitimate Governor In Council*, MAY (if such is the requirement imposed by the Governor In Council) *conditionally and temporarily* sit in the Parliaments of the Commonwealth without Parliamentary voting rights. And unless the Minister of State or member of the Federal Executive Council retires from those offices in order to become an elected member or senator, voting rights are not given. The offices and authorised responsibilities of *Ministers of State* and *members of the Federal Executive Council* are exclusively restricted to those Public Servants who are already Heads of Departments or those who already have positions in those Departments of the Public Service. The practice of appointing elected members and/or senators to such roles is not mentioned in the Acts, and this *does not mean* (by convenient inversion or false interpolation) that “if it isn’t mentioned, you can do what you like” ! There is no conversion or inversion of these Rules which so much as imply that a member or senator of the legislature may or will be required fill a conditional and temporary vacancy in any Ministerial Role at the Governor-General’s determination other than *conditionally and temporarily*. *The member-senator roles and Minister of State and Federal Executive Council member offices are mutually exclusive and/or are to be non-concomitant.*

The Governor-General as the Executive of the Constitutional Will of the Monarch (Crown, Sovereign Rule of Law and Constitution) has Responsibility to Maintain and Execute the Laws (63 Vic. No.9) and Constitution (63 & 64 VICT. c. 12) of the Commonwealth and his *Advisors* (the Federal Executive Council, who for the most part are to be Heads of the various Government Departments of the Public Service) are to *advise* him (via what their departments dutifully and lawfully report to them) on matters affecting the State of the Commonwealth.

Advisors are not Executives and the Federal Executive Council is *Advisory NOT Executive*. At the behest of the Reigning Monarch, the Executives of the Governor-General are his Deputies, but Ministers of State and members of the Federal Executive Council are to be advisors and *not executives*. As no Officer of the Crown of the Commonwealth, including the Governor-General, can lawfully hold two offices of profit under the Crown, the Deputies or Executives of the Governor-General also cannot also be any member or senator of the Parliaments.

The *Federal Executive Council*, comprised as it is of *Advisors* appointed by the Governor-General (at his discretion and at his pleasure) is *Advisory to* the Governor In Council and to the Governor-General in his Executive capacity as Administrator of the Governance of the State of the Commonwealth. This would appear to indicate that such persons would be required to be intimate with matters affecting the Commonwealth and would thus be required to be well qualified to Advise the Governor-General on matters affecting and/or determining his Executive Determinations, notwithstanding the aspirations of the party-political hack...-

The legitimate *Councils of the Monarch and Crown* are the legitimate offices of the Public Service which exercise and operate the legitimate *measures of the Crown*. The various Departments of the Public Service are also *subject to the Sovereign Rule of Law* – THE CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) and are *under the Constitution* – THE OFFICIALS IN PARLIAMENT ACT of 1896 (60 Vic. No.3) and COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12) and to which the legitimate Public Service is also *subject*.

It is clear that the Federal Executive Council *is distinct from* and is *to be distinct from* the Senate and senators and the House of Representatives and the members thereof, and that the Federal Executive Council is to be comprised of those appointed by the Governor-General to the Federal Executive Council from the various Departments of the Public Service.

(63 & 64 VICT. c. 12)

## COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

### CHAPTER II-THE EXECUTIVE GOVERNMENT

#### *70. Certain powers of Governors to vest in Governor-General*

In respect of matters which, **under this Constitution**, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

A necessarily pre-emptive question at this point is this : what does it mean *to advise the Governor-General in Council* ? To answer this question, we do not need to consult some “false and misleading dictionary” of a professional illiterate or an amateur criminal, as our Principle of Truth derives from the Principle Enactment of the Sovereignty of the Commonwealth, throughout which the term and/or words to the effect of “*knowingly and advisedly*” are deployed to significant purpose –

(63 Vic. No. 9.)  
THE CRIMINAL CODE, 1899

PART II-OFFENCES AGAINST PUBLIC ORDER

CHAPTER VIII-OFFENCES AGAINST THE EXECUTIVE AND LEGISLATIVE POWER

*54. Interference with Governor or Ministers*

Any person who advisedly –

(1) Does any act calculated to interfere with the free exercise by the Governor of the duties or authority of his office; or

(2) Does any act calculated to interfere with the free exercise by a member of the Executive Council of the duties or authority of his office as a member of the Executive Council or as a minister of State;

is guilty of a misdemeanour, and is liable to imprisonment for three years.

The offender may be, and it is hereby declared that he always was liable to be, arrested without warrant.

PART VI-OFFENCES RELATING TO PROPERTY AND CONTRACTS

DIVISION I-STEALING AND LIKE OFFENCES

CHAPTER XLIIA-SECRET COMMISSIONS

*442A. (1) Definitions*

(1) In this Chapter –

The expression “**advice given**” or words to the like effect includes every report, certificate, statement, and suggestion intended to influence the person to whom the same is made or given, and every influence deliberately or expressly exercised by one person over another ...

Now, as the Ministers of State and the members of the Federal Executive Council and the members of the House of Representatives and the senators of the Senate are all legally and bindingly Sworn to Honour and Obey the Crown (in front of and/or by the Governor-General), the Representative and Executive of the Crown may only be *Advised Truthfully* and *served Loyally and Obediently and Adherently be a faithful subject of the Crown* and dutiful to the Laws and Constitution of the Commonwealth.

It *should* go without saying that to Swear falsely to the Crown before and to the Governor-General is to commit a crime — as is to *fail to perform* or *omit to perform* a duty of Office, as is *to conspire to* and *to attempt to* deceive or defraud the Monarch, Crown or Governor-General — *a crime*.

(63 Vic. No.9)  
THE CRIMINAL CODE, 1899

PART II-OFFENCES AGAINST PUBLIC ORDER

CHAPTER VIII-OFFENCES AGAINST THE EXECUTIVE AND LEGISLATIVE POWER

*55. Interference with the Legislature*

Any person who advisedly, by force or fraud, interferes or attempts to interfere with the free exercise by either House of Parliament of their authority, or with the free exercise by any member of either House of his duties or authority as such member, or as a member of a Committee of either House, or of a joint Committee of both Houses, is guilty of a misdemeanour, and is liable to imprisonment for three years.

The offender may be, and it is hereby declared that he always was liable to be, arrested without warrant.

CHAPTER XXXIX-BURGLARY: HOUSEBREAKING: AND LIKE OFFENCES

*430. Conspiracy to Defraud*

Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, is guilty of a crime, and is liable to imprisonment with hard labour for seven years.

The term “Prime Minister”, and consequently the “role” of said does not appear in any of the Victorian, Imperial, Principle or Constitutional Acts; therefore, as the term and role do not have any Constitutional validity.

As far as it has been possible to find, there is only one allowance made by the Imperial Parliament of the United Kingdom for a person to act as a “Premier” in the Commonwealth, but this role is given in connection to the Civil Service (this is possibly, in the general un-Constitutional behaviour of the un-imaginative, purely imitative “Australians” where the role derives from). Being in connection with the Civil Service, the position of “Prime Minister” is *also not* to be given by a legitimate Governor-General/Governor In Council to an “elected” member or senator of the Parliaments of the Commonwealth, and for the same reasons as given for the role of Ministers of State/members of the Federal Executive Council being positions that are not given to “elected” members or senators: because it is *LAW*. A person who is elected off the street is not someone who has any qualification for such a role, and an elected ideologue (e.g., a *republican* or a *Maoist* or a *dual-national*) is not some one who will or can swear faithfully to be a fit servant of the Crown. A person legitimately elected to the Parliaments to serve as a member of the House of Representatives or a senator in the Senate *cannot legitimately or lawfully* be selected by a Governor-General/Governor In Council to be a Minister (and hence “Prime Minister”) because that is not how the governments of the Commonwealth are constituted. Regardless of conventions of twelve decades, the role of “Prime Minister” is invalid and an inversion (or subversion or assumption) of the role of the Governor-General or Governor In Council in terms of apparent executive authority, and is thus a subversive and unlawful alteration to the statutory Constitution of the Parliaments of the Commonwealth as Established by (63 & 64 VICT. c.12).



As subjects and Sworn servants of the Crown, *Crown Law Officers* are also subject to the Laws of the Land (63 Vic. No.9) and the laws of the Constitution of the Commonwealth (60 Vic. No.3) and (63 & 64 VICT. c. 12). As the Constitution does not mention a Crown Law Officer, *what is* a Crown Law Officer or Officer of the Crown Law of the Commonwealth?

(63 Vic. No.9)  
THE CRIMINAL CODE, 1899

PART I-INTRODUCTORY  
INTERPRETATION : APPLICATION : GENERAL PRINCIPLES

*1. Construction of Terms*

In this Code, unless the context otherwise indicates – ...

The term “**Crown Law Officer**” means the Attorney-General or Solicitor-General.

“**Crown Law Officer**”. – As to appointment of another Minister or person to perform the duties of the Attorney-General, see The Department of Justice Act of 1876 and The Officials in Parliament Act of 1896, s. 8, title CONSTITUTION.

(60 Vic. No.3)  
OFFICIALS IN PARLIAMENT ACT of 1896

*8. Duties imposed by law on any Minister may be ordered to be performed by other Minister.*

8. (1) The Governor may from time to time authorise and empower any of such Officers to perform and exercise all or any of the duties, powers, and authorities imposed or conferred upon any other of such Officers by any Act, rule, practice, or Ordinance, and the Officer so authorised and empowered may perform and exercise any such duties, powers, and authorities, accordingly.

8. (2) The Premier and Chief Secretary of Queensland may, in writing, from time to time authorise and empower any of such Officers to perform and exercise temporarily for any period not longer than fourteen days all or any of the duties, powers and authorities imposed or conferred upon the Premier and Chief Secretary of Queensland, or any other of such Officers by any Act, rule, practice or ordinance, and the Officer so authorised and empowered may perform and exercise any such duties, powers and authorities accordingly.

Notification of any such authority and power may be published in the Gazette and judicial notice shall be taken of every such authority and power so notified.

As amended by Act of 1959, 8 Eliz. 2 No. 67, s. 3.  
See also Department of Justice Act of 1957, p. 763, *ante*.

(63 Vic. No.9)  
THE CRIMINAL CODE, 1899

PART VIII-PROCEDURE

CHAPTER LX-INDICTMENTS

*560. Nature of indictments*

When a person charged with an indictable offence has been committed for trial and it is intended to put him on his trial for the offence, the charge is to be reduced to writing in a document which is called an indictment.

The indictment is to be signed and presented to the Court by a Crown Law Officer or some other person appointed in that behalf by the Governor in Council.

(50 Vic. No. 17)  
**THE JUSTICES ACT of 1886**  
[Assented to 13 October 1886]

An Act to Consolidate and Amend the Laws relating to  
Justices of the Peace and their Powers and Authorities

**INTERPRETATION**

*4. Meaning of terms*

In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:-

“**Minister**” The Minister for Justice and Attorney-General of Queensland or other Minister of the Crown for the time being charged with the administration of this Act ...

*127. Duty of Attorney-General, etc.*

The Attorney-General, Solicitor-General, and Crown Prosecutor shall, respectively, after such transmission and before the day of trial, have and be subject to the same duties and liabilities in respect of the said several documents upon a *certiorari* directed to them respectively, or upon a rule or order directed to them in lieu of that writ, as the justices would have had and been subject to upon a certiorari to them if such documents had not been so transmitted.

For statutory provisions on *certiorari*, see ss. 153, 233-236.

*128. Authority of judge*

The said officers respectively, and any officer prosecuting for them respectively, shall, at any time after the opening of the Court at the sittings or sessions at which the trial is to be had, or the sentence passed, deliver the said documents, or any of them, to the proper officer of the Court, if and when the presiding judge so directs.

The said officers are the Attorney-General, the Solicitor-General and the Crown Prosecutor, s. 127.

*146. Where defendant pleads not guilty*

note :

“Where the Crown is the prosecuting litigant, it is not proper that justices should rely on the advice of the Crown law officers in deciding points of law involved in the case, *Harvey v. Rooke* (1919), 15 Tas. L.R. 44.”

(6 Eliz. II. No. 17, 1957)  
**Department of Justice Act of 1957**

An Act to Amend the Law relating to the Department of Justice

[Assented to 11th November, 1957]

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:

**1. Short title**

This Act may be cited as "The Department of Justice Act of 1957."

**2. Repeal of (40 Vic. No. 18.)**

"The Department of Justice Act of 1876" is repealed.

**3. When Minister of Justice to act for or as Attorney-General**

(1.) It shall be lawful for the Governor in Council from time to time by Proclamation published in the Gazette to order and declare all or any of the or following: –

(a) That all or any of the duties, powers and authorities imposed or conferred upon the Attorney-General by any Act, law, practice or otherwise shall be had and exercised by the Minister for Justice or such other person as may be named in the Proclamation in that behalf;

(b) That whenever under any Act, law, practice or otherwise any act is required, permitted or enabled to be done by, to or with reference to the Attorney-General, then the act may be done by, to or with reference to the Minister for Justice or such other person as may be named in the Proclamation in that behalf;

(c) That the Minister for Justice or such other person as may be named in the Proclamation in that behalf shall be the holder and occupier of the Office of Attorney-General for the purposes of –

(i.) the performance of all or any duties or the exercise of all or any powers or authorities imposed or conferred upon the Attorney-General;

(ii.) any act required, permitted or enabled to be done by, to or with reference to the Attorney-General, by –

(A) any Imperial Act or Commonwealth Act; or

(B) such other Act or any law, practice, treaty, or convention as may be specified in the Proclamation:

And thereupon the Minister for Justice or other person so named shall have and exercise such duties, powers and authorities respectively, and such act may be done by, to or with reference to the Minister for Justice or other person so named as aforesaid, and the Minister for Justice or other person so named shall be the holder and occupier of the Office of Attorney-General for the purposes aforesaid as the case shall require.

3 (2.) In this Act the term "**Act**" includes Proclamation, Order in Council, Regulation, Rule, Ordinance, By-law, and any other instrument made, granted or issued under the Act.

(63 Vic. No. 9.)  
THE CRIMINAL CODE, 1899

PART VIII-PROCEDURE

CHAPTER LXVII-APPEAL: PARDON

**[669A. *Appeal by Attorney-General*]**

(1) The Attorney-General may appeal to the Court against any sentence pronounced by –

(a) the court of trial;

(b) a court of summary jurisdiction in a case where an indictable offence is dealt with summarily by that court, and the Court may in its unfettered discretion vary the sentence and impose such sentence as to the Court seems proper.

(2) The Attorney-General may, in a case where a person has been acquitted after his trial upon indictment, refer any point of law that has arisen at the trial to the Court for its consideration and opinion thereon.

Notice of the reference shall be given to the acquitted person.

Upon the reference the Court shall hear argument –

(a) by the Attorney-General or by counsel on his behalf; and

(b) if he so desires, by the acquitted person or by counsel on his behalf, and thereupon shall consider the point referred and furnish to the Attorney-General its opinion thereon.

A reference pursuant to this section shall not affect the trial in respect of which the reference is made nor any acquittal in that trial.

Heading substituted by Act of 1975, No. 27, s. 34 (as from 1 July 1975).  
s. 669A substituted by Act of 1975, No. 27, s. 34 (as from 1 July 1975).

From the above, The Department of Justice Act of 1876 (40 Vic. No. 18.) was apparently repealed (11th November, 1957) and replaced by The Department of Justice Act of 1957 (6 Eliz. II. No. 17, 1957) and the Victorian Act could not be located; however, for our purposes, it suffices to indicate what manner of person in what official capacity *may be appointed* by the Governor In Council to perform the duties of Attorney-General: the Minister for Justice or the Minister of the Department of Justice. And as we have also just demonstrated, this appointment of Attorney-General necessitates that such a person (Minister for Justice/Minister of the Department of Justice) must resign such position on being appointed by the Governor In Council AND such a person may not be an elected member or senator of the any Legitimate Parliament.

Regardless, then, of what a *Crown Law Officer* is a member of the Public Service *to do*, or *is supposed by law to be occupied in doing while in such Office*, a Crown Law Officer is a State or Commonwealth Attorney-General or Solicitor-General. It appears that in 2010, the Federal Solicitor-General was called the "*Australian Government Solicitor*"; whereas, in 2016, the Office of the Federal Attorney-General (?) was apparently named "*First Office of Parliamentary Council*". These *Frenchified* word games are all very quaint, but the matter we have arrived at is that the *Crown Law Officer*, under ordinary, lawful circumstances *cannot be* the Head of a Government Department of Justice, *or* a Minister of State *or* a party-political operative. Also, the appointment of a Minister of Justice to the role of Attorney-General would be conditional and temporary, in strict accordance with the terms and conditions of OFFICIALS IN PARLIAMENT ACT OF 1896 (60 Vic. No.3) from which we have just determined that a Minister of State or an Officer of the Crown *cannot sit* in the Legislature of the Parliaments for more than the lawfully specified period in the lawfully specified circumstances and *cannot vote* in the Legislature of the Parliaments of the Commonwealth *unless and until they resign* their *Ministerial* and/or *Officerial* position and become legitimately elected to sit and vote as a member or senator in the Legislatures or Parliaments of the Commonwealth.

Similarly, and amounting to the same thing, a member or senator of the Parliaments, by law, *cannot* be lawfully selected, summoned, appointed and sworn to Allegiance to the Crown by the Governor-General or Governor to a *Ministerial* or *Officerial* position or role – *full stop* (it is *not* a case here of the member or senator resigning their spot in the Legislature to become a Minister of State or a member of the Executive Council: *Offices of the Public Service are not attained by* Local or State or Federal *election*).

*Why* the party-political operative has been permitted to infiltrate this and other offices, and why a “Shadow Attorney-General” has come to sit in the Parliament is perhaps another matter for the Tribunes of the Crown. As the Office of Attorney-General (and that of Solicitor-General) are Justice Department or Public Service Offices, how does the Office come to be *party-politicised* so that the *Constitutionally illegitimate* role of Attorney-General of the *Constitutionally illegitimate* “ruling party” of any given Parliamentary Legislature is *opposed by* another illegitimate figure on the *Constitutionally illegitimate* “other side of the House”? It has also been noted that political party organisations outside of the *Constitutionally illegitimate DUO-POLY that reigns in the Commonwealth and its States and territories* also name one of their “elected” members/senators similarly as “shadow Attorneys-General”. The criminal absurdity of this has been noticed in the Parliaments of other British Possessions and in other countries not connected with the Crown. If revolutionaries want to destroy Constitutions and Laws and Justice systems, this is how they will do it—by unlawful infiltration, unlawful commandeering of whole of government and by unlawful subversion. Effectively, a political party will illegitimately come to power and the laws will be butchered according to whatever criminal ideology pulls the strings.

As we have established, the Monarch's and the Monarchy's Place and Powers in the Constitutional Monarchy of the Commonwealth are *inassailable* and *cannot lawfully be altered or diminished or terminated*. And from the Constitution (63 & 64 VICT. c. 12) we can see that the Monarch is the Sovereign of the Constitutional Monarchy of the Commonwealth of Australasia – the States and Territories of the Commonwealth are all Constitutional Monarchies under the same Monarch and the same Monarchic Line of Succession. Just as the Monarch or Crown is the same for all of the Commonwealth, the Sovereign Rule of Law or Crown of the Commonwealth *is the same* : THE CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) AND COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12)

That the Monarch may be absent from the Parliaments is immaterial due to the fact that the Commonwealth is Sovereign by the Enactment of THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9) which is also the Crown of the Commonwealth.

The Monarch (and Their Executive Representatives, the Governor-General and the Governors of the States of the Commonwealth) and the Crown Rule of Law Established in CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) AND the Legitimate form of Government as Constituted in and by COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12) to which the Monarch and the Governor-General are also subject.

The Governor-General as the Executive of the Constitutional Will of the Monarch (Crown, Sovereign Rule of Law and Constitution) has Responsibility to Maintain and Execute the Laws (63 Vic. No.9) and Constitution (63 & 64 VICT. c. 12) of the Commonwealth and his *Advisors* (the Federal Executive Council) and Deputies, the senators of the Senate and the members of the House of Representatives. All such Powers derive from their being Enacted Constitutionally (63 & 64 VICT. c. 12), with this structure being replicated in the Parliaments of the States of the Commonwealth to be Administrated by the Monarch's Appointees, the Governors of the States of the Commonwealth being *Advised by* the Executive Councils of the States with the Executives of the Governors being their Deputies.

The Legislature of the Government of the Commonwealth and its States as it is Constituted (63 & 64 VICT. c. 12) is comprised of Sworn Loyal subjects of the Crown (the Reigning Monarch in the Perpetuity of the Continuance which is the Monarchy AND the Sovereign Rule of Law of the Commonwealth (63 Vic. No.9) and the Constitution of the Commonwealth (63 & 64 VICT. c. 12)). The Legislatures of the Governments of the Commonwealth are all subject to the Sovereign Rule of Law THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9) AND COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12) and subject to all legitimate Laws of the Parliaments of the Commonwealth subsequent to *Establishment* (1 January 1901 & 9 July 1900) – *which is not the same as Federation*.



The Governor-General of the Commonwealth, as the Appointee of the Monarch, and as Representative and Executive of the Monarch, is the Representative Head of State of the Commonwealth, and the Governors of the States of the Commonwealth are the Representative Heads of the Governments of the States of the Commonwealth.

The *Federal Executive Council*, comprised as it is of *Advisors* appointed by the Governor-General and at his discretion (but subject to THE CRIMINAL CODE [ACT], 1899, (63 Vic. No.9) and COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12), is *Advisory to the Governor-General in his Executive Administrative capacity of the Governance of the State of the Commonwealth* – the text of the Constitution at this point uses the term “*in the government of*”, but this should not be confused with a possible reading which could be taken as “*in the Government of*”, hence our use of the word “governance”.

The *Federal Executive Council* is to be comprised largely of the Heads of the various Departments of the Public Service. This should mean that a Head of a Public Service Department of the government, on being selected for the *Federal Executive Council* must resign from his Head of Public Service role in order to accept another.

Here, we submit that the Monarch's and Crown's legitimate *councils* are the legitimate offices of the Public Service which exercise and operate the legitimate *measures of the Crown*. The various Departments of the Public Service are also *subject to the Sovereign Rule of Law* – THE CRIMINAL CODE [ACT], 1899 (63 Vic. No.9) and *under the Constitution* – COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT (63 & 64 VICT. c. 12).

This would appear to indicate that, such Persons would be required to be intimate with matters affecting the Commonwealth and would thus be potentially be well qualified to *Advise* the Governor-General on matters affecting his Executive and Administrative Functions, and on what matters were affecting the Public...

The Governor-General, as the Executive of the Crown, has the Constitutional Responsibility to Appoint Deputies to act as his Executives and the same would apply to the Governors of States. *The Federal Executive Council's role is Advisory, not Executive AND it is not necessary* that a member of the Federal Executive Council be a *minister of State* since the following Statute employs the term, "*as a member of the Executive Council or as a minister of State*": if the Offices were intended to be the same office or official capacity, the option explicit in the use of the word "*or*" would not have been employed –

(63 Vic. No.9)  
THE CRIMINAL CODE ACT, 1899

CHAPTER VIII–OFFENCES AGAINST THE EXECUTIVE  
AND LEGISLATIVE POWER

54. *Interference with Governor or Ministers*

*Any person who advisedly –*

- (1) Does any act calculated to interfere with the free exercise by the Governor of the duties or authority of his office;  
or  
(2) Does any act calculated to interfere with the free exercise by a member of the Executive Council of the duties or authority of his office as a member of the Executive Council or as a minister of State;

*is guilty of a misdemeanour, and is liable to imprisonment for three years.*

*The offender may be, and it is hereby declared that he always was liable to be, arrested without warrant.*

CHAPTER XLII A–SECRET COMMISSIONS

*Definitions*

The expression "advice given" or words to the like effect includes every report, certificate, statement, and suggestion intended to influence the person to whom the same is made or given, and every influence deliberately or expressly exercised by one person over another.

Commenting at random, in an Official *Op-Ed pamphlet* (authored and "Produced by the Parliamentary Education Office and Australian Government Solicitor, Canberra, 2010") which purports to explain the Constitution, the author *interestingly converts* –

(63 & 64 VICT. c. 12)  
COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

**64. Ministers to sit in Parliament**

*.... After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.*

to "Ministers of the Parliament - including the Prime Minister - *must be members of the Parliament*"(sic.) ! The text of the Constitution obviously *does not* say that at all. The sentence " ... *no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives*" clearly does not necessitate that a Minister must become a member or senator of the Parliament, the provision merely specifies that *a Minister of State cannot sit in the Parliaments for more than three months unless they are or become a member or a senator of the Parliaments* ! (Several points in passing, as we will examine this problematic Official *Op-Ed pamphlet* in detail elsewhere:

1) a "Prime Minister" is a constitutional non-entity, a contrivance of imitation and revolutionary convenience, the Prime Minister is a republican presidential type. the Monarch is the Sovereign of the Commonwealth and the Governor-General is the Monarch's Appointed Representative-Executive in the Commonwealth;

2) the *Op-Ed pamphlet* in question pretends to be an explanatory *frontice* to COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT – which fails to mention or to refer to THE CRIMINAL CODE ACT, 1899 (63 Vic. No.9) and which does not refer to COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT with any mention of it being or having any association with its reference "63 & 64 VICT. c. 12";

3) as this *Op-Ed pamphlet* is supposedly authored by the *Australian Government Solicitor* – which we must assume to be the Second Crown Law Officer or the Solicitor-General of the Commonwealth (a recent change to the title of this Official Role would be "*Second Parliamentary Council*") – and is supposedly produced by the *Parliamentary Education Office*, it seems ... *strange* that there is so little in it that could *not* be seen as patently and advisedly false and trivialising and distracting – ...

Returning to the task at hand, it is clear that the *Federal Executive Council* is distinct from the Senate and the House of Representatives, and that the Federal Executive Council is comprised of those appointed by the Governor-General to the Federal Executive Council from the various Departments of the Public Service as may be *established by* the Governor-General in Council, but not exclusively so. And it is also clear that those who are so appointed by the Governor-General can by him be made Ministers of State.